

ASSEMBLY, No. 4911

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 5, 2020

Sponsored by:

Assemblyman JON M. BRAMNICK

District 21 (Morris, Somerset and Union)

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

Assemblyman KEVIN J. ROONEY

District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:

Assemblywoman Vainieri Huttie

SYNOPSIS

Expands epinephrine access laws to include epinephrine nasal sprays.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/5/2020)

1 AN ACT concerning epinephrine and amending various parts of the
2 statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1997, c.368 (C.18A:40-12.5) is amended to
8 read as follows:

9 1. Each board of education or chief school administrator of a
10 nonpublic school shall develop a policy in accordance with the
11 guidelines established by the Department of Education pursuant to
12 section 4 of P.L.2007, c.57 (C.18A:40-12.6a) for the emergency
13 administration of epinephrine via a pre-filled auto-injector
14 mechanism or nasal spray to a pupil for anaphylaxis provided that:

15 a. the parents or guardians of the pupil provide to the board of
16 education or chief school administrator of a nonpublic school written
17 authorization for the administration of the epinephrine;

18 b. the parents or guardians of the pupil provide to the board of
19 education or chief school administrator of a nonpublic school written
20 orders from the physician or advanced practice nurse that the pupil
21 requires the administration of epinephrine for anaphylaxis;

22 c. the board or chief school administrator of a nonpublic school
23 informs the parents or guardians of the pupil in writing that the
24 district and its employees or agents or the nonpublic school and its
25 employees or agents shall have no liability as a result of any injury
26 arising from the administration of the epinephrine via a pre-filled
27 auto-injector mechanism or nasal spray;

28 d. the parents or guardians of the pupil sign a statement
29 acknowledging their understanding that the district or the nonpublic
30 school shall have no liability as a result of any injury arising from the
31 administration of the epinephrine via a pre-filled auto-injector
32 mechanism or nasal spray to the pupil and that the parents or
33 guardians shall indemnify and hold harmless the district and its
34 employees or agents or the nonpublic school and its employees or
35 agents against any claims arising out of the administration of the
36 epinephrine via a pre-filled auto-injector mechanism or nasal spray;
37 and

38 e. the permission is effective for the school year for which it is
39 granted and is renewed for each subsequent school year upon
40 fulfillment of the requirements in subsections a. through d. of this
41 section.

42 The policy developed by a board of education or chief school
43 administrator of a nonpublic school shall require:

44 (1) the placement of a pupil's prescribed epinephrine in a secure
45 but unlocked location easily accessible by the school nurse and

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 designees to ensure prompt availability in the event of an allergic
2 emergency at school or at a school-sponsored function. The location
3 of the epinephrine shall be indicated on the pupil's emergency care
4 plan. Back-up epinephrine via a pre-filled auto-injector mechanism,
5 epinephrine nasal spray, or both, shall also be available at the school
6 if needed;

7 (2) the school nurse or designee to be promptly available on site
8 at the school and school-sponsored functions in the event of an
9 allergic reaction; and

10 (3) the transportation of the pupil to a hospital emergency room
11 by emergency services personnel after the administration of
12 epinephrine, even if the pupil's symptoms appear to have resolved.

13 f. The policy developed by a board of education or chief school
14 administrator of a nonpublic school shall also:

15 (1) permit the school nurse or trained designee to administer
16 epinephrine via a pre-filled auto-injector mechanism or nasal spray
17 to any pupil without a known history of anaphylaxis or any pupil
18 whose parent or guardian has not met the requirements of subsections
19 a., b., and d. of this section and has not received the notice required
20 pursuant to subsection c. of this section when the nurse or designee
21 in good faith believes that the pupil is having an anaphylactic
22 reaction; and

23 (2) require each public and nonpublic school to maintain in a
24 secure but unlocked and easily accessible location a supply of
25 epinephrine auto-injectors and epinephrine nasal sprays that is
26 prescribed under a standing protocol from a licensed physician or an
27 advanced practice nurse, and is accessible to the school nurse and
28 trained designees for administration to a pupil having an anaphylactic
29 reaction.

30 (cf: P.L.2015, c.13, s.1)

31

32 2. Section 2 of P.L.1997, c.368 (C.18A:40-12.6) is amended to
33 read as follows:

34 2. The policy for the administration of medication to a pupil
35 shall provide that the school nurse shall have the primary
36 responsibility for the administration of the epinephrine. The school
37 nurse shall designate, in consultation with the board of education, or
38 chief school administrator of a nonpublic school additional
39 employees of the school district or nonpublic school who volunteer
40 to administer epinephrine via a pre-filled auto-injector mechanism or
41 nasal spray to a pupil for anaphylaxis when the nurse is not physically
42 present at the scene. In the event that a licensed athletic trainer
43 volunteers to administer epinephrine, it shall not constitute a
44 violation of the "Athletic Training Licensure Act," P.L.1984, c.203
45 (C.45:9-37.35 et seq.).

46 Except as otherwise provided pursuant to subsection f. of section
47 1 of P.L.1997, c.368 (C.18A:40-12.5), the school nurse shall
48 determine that:

- 1 a. the designees have been properly trained in the administration
2 of the epinephrine via a pre-filled auto-injector mechanism, nasal
3 spray, or both, using standardized training protocols established by
4 the Department of Education in consultation with the Department of
5 Health;
- 6 b. the parents or guardians of the pupil consent in writing to the
7 administration of the epinephrine via a pre-filled auto-injector
8 mechanism or nasal spray by the designees;
- 9 c. the board or chief school administrator of a nonpublic school
10 informs the parents or guardians of the pupil in writing that the
11 district and its employees or agents or the nonpublic school and its
12 employees and agents shall have no liability as a result of any injury
13 arising from the administration of the epinephrine to the pupil;
- 14 d. the parents or guardians of the pupil sign a statement
15 acknowledging their understanding that the district or nonpublic
16 school shall have no liability as a result of any injury arising from the
17 administration of the epinephrine via a pre-filled auto-injector
18 mechanism or nasal spray to the pupil and that the parents or
19 guardians shall indemnify and hold harmless the district and its
20 employees or agents against any claims arising out of the
21 administration of the epinephrine via a pre-filled auto-injector
22 mechanism or nasal spray to the pupil; and
- 23 e. the permission is effective for the school year for which it is
24 granted and is renewed for each subsequent school year upon
25 fulfillment of the requirements in subsections a. through d. of this
26 section.

27 The Department of Education, in consultation with the
28 Department of Health, shall require trained designees for students
29 enrolled in a school who may require the emergency administration
30 of epinephrine for anaphylaxis when the school nurse is not available.

31 Nothing in this section shall be construed to prohibit the
32 emergency administration of epinephrine via a pre-filled auto-
33 injector mechanism or nasal spray to a pupil for anaphylaxis by the
34 school nurse or other employees designated pursuant to this section
35 when the pupil is authorized to self-administer epinephrine pursuant
36 to section 1 of P.L.1993, c.308 (C.18A:40-12.3), or when there is a
37 coexisting diagnosis of asthma, or when a prescription is received
38 from a licensed health care professional for epinephrine coupled with
39 another form of medication, or when the epinephrine is administered
40 pursuant to subsection f. of section 1 of P.L.1997, c.368 (C.18A:40-
41 12.5).

42 (cf: P.L.2015, c.13, s.2)

43

44 3. Section 3 of P.L.2013, c.211 (C.18A:61D-13) is amended to
45 read as follows:

46 3. As used in this act:

47 "Institution of higher education" means a public or independent
48 institution of higher education.

1 "Licensed campus medical professional" means a physician,
2 physician assistant, advanced practice nurse, or registered nurse who
3 is appropriately licensed by the State of New Jersey and is designated
4 by an institution of higher education to oversee the institution's
5 epinephrine administration and training program.

6 "Member of the campus community" means an individual who is
7 a student, faculty, or staff member of an institution of higher
8 education.

9 "Secretary" means the Secretary of Higher Education.

10 "Trained designee" means a member of the campus community
11 trained by a licensed campus medical professional in the emergency
12 administration of epinephrine via a pre-filled auto-injector
13 mechanism, nasal spray, or both.

14 (cf: P.L.2013, c.211, s.3)

15
16 4. Section 4 of P.L.2013, c.211 (C.18A:61D-14) is amended to
17 read as follows:

18 4. a. An institution of higher education may develop a policy,
19 in accordance with the guidelines established by the secretary
20 pursuant to section 6 of P.L.2013, c.211 (C.18A:61D-16), for the
21 emergency administration of epinephrine via a pre-filled auto-
22 injector mechanism, nasal spray, or both to a member of the campus
23 community for anaphylaxis when a medical professional is not
24 available. The policy shall:

25 (1) permit a trained designee, under the guidance of a licensed
26 campus medical professional, to administer epinephrine via a pre-
27 filled auto-injector mechanism or nasal spray to a member of the
28 campus community for whom the designee is responsible, when the
29 designee in good faith believes that the member of the campus
30 community is having an anaphylactic reaction;

31 (2) permit a trained designee, when responsible for the safety of
32 one or more members of the campus community, to carry in a secure
33 but easily accessible location a supply of pre-filled epinephrine auto-
34 injectors and epinephrine nasal sprays that is prescribed under a
35 standing protocol from a licensed physician; and

36 (3) provide that the licensed campus medical professional shall
37 have responsibility for: training designees on how to identify an
38 anaphylactic reaction, how to identify the indications for when to use
39 epinephrine, and how to administer epinephrine via a pre-filled auto-
40 injector mechanism, nasal spray, or both; and distributing prescribed
41 pre-filled epinephrine auto-injectors and epinephrine nasal sprays to
42 trained designees.

43 b. Each institution of higher education that develops a policy
44 pursuant to subsection a. of this section shall designate a physician,
45 physician assistant, advanced practice nurse, or registered nurse who
46 is appropriately licensed by the State of New Jersey to serve as the
47 licensed campus medical professional.

48 c. A licensed campus medical professional is authorized to:

- 1 (1) establish and administer a standardized training protocol for
2 the emergency administration of epinephrine by trained designees;
3 (2) ensure that trained designees have satisfactorily completed
4 the training protocol;
5 (3) obtain a supply of pre-filled epinephrine auto-injectors,
6 epinephrine nasal sprays, or both, under a standing protocol from a
7 licensed physician; and
8 (4) control distribution to trained designees of pre-filled
9 epinephrine auto-injectors and epinephrine nasal sprays.
10 (cf: P.L.2013, c.211, s.4)

11
12 5. Section 8 of P.L.2013, c.211 (C.18A:61D-18) is amended to
13 read as follows:

- 14 8. Nothing in this act shall be construed to:
15 a. permit a trained designee to perform the duties or fill the
16 position of a licensed medical professional;
17 b. prohibit the administration of a pre-filled epinephrine auto-
18 injector mechanism or epinephrine nasal spray by a person acting
19 pursuant to a lawful prescription;
20 c. prevent a licensed and qualified member of a health care
21 profession from administering a pre-filled epinephrine auto-injector
22 mechanism or epinephrine nasal spray if the duties are consistent
23 with the accepted standards of the member's profession; or
24 d. violate the "Athletic Training Licensure Act," P.L.1984, c.203
25 (C.45:9-37.35 et seq.) in the event that a licensed athletic trainer
26 administers epinephrine to a member of the campus community as a
27 trained designee pursuant to this act.
28 (cf: P.L.2013, c.211, s.8)

29
30 6. Section 4 of P.L.2015, c.215 (C.24:6L-4) is amended to read
31 as follows:

- 32 4. a. Any person who has successfully completed an educational
33 program approved by the commissioner pursuant to section 5 of this
34 act to administer **[an]** epinephrine using an auto-injector device or
35 an epinephrine nasal spray shall be issued a certificate of completion,
36 which shall authorize the person to administer, maintain, and dispose
37 of an epinephrine auto-injector device or epinephrine nasal spray.
38 b. A licensed health care professional may prescribe or dispense
39 an epinephrine auto-injector device or nasal spray, either directly or
40 through a standing order, to a person authorized to administer,
41 maintain, and dispose of the device or nasal spray pursuant to
42 subsection a. of this section.
43 c. An entity employing a person authorized to administer,
44 maintain, and dispose of an epinephrine auto-injector device or
45 epinephrine nasal spray pursuant to subsection a. of this section may
46 obtain, maintain, and make available to the authorized person
47 epinephrine auto-injector devices or epinephrine nasal sprays, as

1 applicable, consistent with such standards and protocols as the
2 commissioner may establish by regulation.

3 (cf: P.L.2015, c.215, s.4)

4

5 7. Section 5 of P.L.2015, c.215 (C.24:6L-5) is amended to read
6 as follows:

7 5. The commissioner shall establish written standards and
8 application procedures for approval of educational programs for the
9 safe administration of epinephrine using an auto-injector device or
10 an epinephrine nasal spray. An educational program shall include
11 training in the administration of epinephrine using auto-injector
12 devices, nasal sprays, or both, recognition of the symptoms of
13 anaphylaxis, safe maintenance and storage of epinephrine auto-
14 injector devices and nasal sprays, as applicable, and such other
15 information as the commissioner deems necessary.

16 (cf: P.L.2015, c.215, s.5)

17

18 8. Section 6 of P.L.2015, c.215 (C.24:6L-6) is amended to read
19 as follows:

20 6. a. A health care professional shall not, as a result of the
21 professional's acts or omissions, be subject to any civil liability or
22 any professional disciplinary action under Title 45 of the Revised
23 Statutes for any act or omission which is undertaken in good faith in
24 accordance with this act.

25 b. A person authorized to administer, maintain, or dispose of an
26 epinephrine auto-injector device or epinephrine nasal spray under
27 subsection a. of section 4 of this act who, in good faith and without
28 fee, administers an epinephrine auto-injector device or epinephrine
29 nasal spray to a person who appears to be suffering from anaphylaxis
30 or any other serious condition treatable with epinephrine shall not, as
31 a result of the person's acts or omissions, be subject to any civil
32 liability for administering the device or nasal spray consistent with
33 this act.

34 c. An entity authorized to obtain, maintain, and make available
35 epinephrine auto injector devices and epinephrine nasal sprays to a
36 person employed by the entity pursuant to subsection c. of section 4
37 of this act shall not, as a result of the entity's acts or omissions, be
38 subject to any civil liability for any act or omission which is
39 undertaken in good faith in accordance with this act.

40 d. A person or entity conducting an educational program
41 approved by the commissioner as provided in section 5 of this act
42 shall not be subject to any civil liability for any act or omission which
43 is undertaken in accordance with this act.

44 e. For the purposes of this section, good faith does not include
45 willful misconduct, gross negligence, or recklessness.

46 (cf: P.L.2015, c.215, s.6)

1 9. Section 7 of P.L.2015, c.215 (C.24:6L-7) is amended to read
2 as follows:

3 7. Nothing in this act shall be construed to:

4 a. permit a person who has completed a training program
5 pursuant to this act to perform the duties or fill the position of a
6 licensed medical professional;

7 b. prohibit the administration of an epinephrine auto-injector
8 device or epinephrine nasal spray by a person acting pursuant to a
9 lawful prescription;

10 c. prevent a licensed and qualified member of a health care
11 profession from administering an epinephrine auto-injector device or
12 epinephrine nasal spray if the duties are consistent with the accepted
13 standards of practice applicable to the member's profession; or

14 d. violate the "Athletic Training Licensure Act," P.L.1984, c.203
15 (C.45:9-37.35 et seq.) in the event that a licensed athletic trainer
16 administers epinephrine as authorized pursuant to this act.

17 (cf: P.L.2015, c.215, s.7)

18

19 10. Section 2 of P.L.2003, c.1 (C.26:2K-47.2) is amended to read
20 as follows:

21 2. a. An emergency medical technician who has been certified
22 by the commissioner pursuant to subsection b. of this section to
23 administer an epinephrine auto-injector device or epinephrine nasal
24 spray shall administer, maintain and dispose of the device or nasal
25 spray in accordance with rules and regulations adopted by the
26 commissioner.

27 Each administration of an epinephrine auto-injector device or
28 epinephrine nasal spray pursuant to this act shall be reported to the
29 Department of Health in a manner determined by the commissioner.

30 b. The commissioner shall establish written standards and
31 application procedures which an emergency medical technician shall
32 meet in order to obtain certification. The commissioner shall certify
33 a candidate who: provides evidence of satisfactory completion of an
34 educational program which is approved by the commissioner and
35 includes training in the administration of epinephrine auto-injector
36 devices, epinephrine nasal sprays, or both; and passes an examination
37 in the administration of the devices, nasal sprays, or both, as
38 applicable, which is approved by the commissioner.

39 c. The commissioner shall maintain a registry of all persons
40 certified pursuant to this section, which shall include, but not be
41 limited to:

42 (1) the person's name and residence; and

43 (2) the date that certification was granted.

44 d. The commissioner shall annually compile a list of emergency
45 medical technicians who have obtained certification to administer an
46 epinephrine auto-injector device or epinephrine nasal spray pursuant
47 to this section, which shall be available to the public.

1 e. A fee may be charged to a person enrolled in an educational
2 program approved by the department which includes training in the
3 administration of an epinephrine auto-injector device, epinephrine
4 nasal spray, or both, in order to cover the cost of training and testing
5 for certification pursuant to this section, if the entity that provides the
6 educational program is not reimbursed for the cost of that training
7 and testing from the "Emergency Medical Technician Training Fund"
8 established pursuant to section 3 of P.L.1992, c.143 (C.26:2K-56).
9 (cf: P.L.2012, c.17, s.280)

10
11 11. Section 3 of P.L.2003, c.1 (C.26:2K-47.3) is amended to read
12 as follows:

13 3. Notwithstanding the provisions of any other law to the
14 contrary, an emergency medical technician, first aid, ambulance or
15 rescue squad, or other entity employing the services of an emergency
16 medical technician certified to administer an epinephrine auto-
17 injector device or epinephrine nasal spray pursuant to section 2 of
18 this act may purchase, store or transport the devices or nasal sprays,
19 as applicable, pursuant to an agreement with an emergency medical
20 service, a hospital or a State licensed physician trained in emergency
21 medicine, for the purpose of providing basic life support services as
22 defined in section 1 of P.L.1985, c.351 (C.26:2K-21).
23 (cf: P.L.2003, c.1, s.3)

24
25 12. Section 5 of P.L.2003, c.1 (C.26:2K-47.5) is amended to read
26 as follows:

27 5. A person shall not advertise or disseminate information to the
28 public that the person is certified to use an epinephrine auto-injector
29 device or epinephrine nasal spray unless the person is authorized to
30 do so pursuant to this act.
31 (cf: P.L.2003, c.1, s.5)

32
33 13. Section 6 of P.L.2003, c.1 (C.26:2K-47.6) is amended to read
34 as follows:

35 6. An emergency medical technician certified to administer an
36 epinephrine auto-injector device or epinephrine nasal spray pursuant
37 to section 2 of this act, licensed physician, hospital or its board of
38 trustees, officers and members of the medical staff, nurses,
39 paramedics or other employees of the hospital, or officers and
40 members of a first aid, ambulance or rescue squad shall not be liable
41 for any civil damages as the result of an act or the omission of an act
42 committed while in training to administer, or in the administration
43 of, the device or nasal spray in good faith and in accordance with the
44 provisions of this act.
45 (cf: P.L.2003, c.1, s.6)

46
47 14. Section 8 of P.L.2003, c.1 (C.26:2K-47.8) is amended to read
48 as follows:

1 8. Nothing in this act shall be construed to:

2 a. permit a person certified to administer an epinephrine auto-
3 injector device or epinephrine nasal spray pursuant to section 2 of
4 this act to perform the duties or fill the position of another health care
5 professional employed by a hospital;

6 b. interfere with an emergency service training program
7 authorized and operated under the provisions of the "New Jersey
8 Highway Traffic Safety Act of 1987," P.L.1987, c.284 (C.27:5F-18
9 et seq.);

10 c. prohibit the administration of an epinephrine auto-injector
11 device or epinephrine nasal spray by a person acting pursuant to a
12 lawful prescription or pursuant to the provisions of P.L.2015, c.215
13 (C.24:6L-1 et seq.); or

14 d. prevent a licensed and qualified member of a health care
15 profession from administering an epinephrine auto-injector device or
16 epinephrine nasal spray if the duties are consistent with the accepted
17 standards of the member's profession.

18 (cf: P.L.2003, c.1, s.8)

19

20 15. Section 10 of P.L.2015, c.215 (C.26:2K-47.9) is amended to
21 read as follows:

22 10. Pursuant to the "Administrative Procedure Act," P.L.1968,
23 c.410 (C.52:14B-1 et seq.), the Commissioner of Health shall adopt
24 rules and regulations to effectuate the purposes of this act, including
25 medical protocols for the administration of epinephrine auto-injector
26 devices and epinephrine nasal sprays, in consultation with the State
27 mobile intensive care advisory council and the EMS Council of New
28 Jersey [State First Aid Council, Inc]. The rules and regulations shall
29 address age appropriateness in the administration of epinephrine.

30 (cf: P.L.2012, c.17, s.281)

31

32 16. Section 4 of P.L.2015, c.215 (C.26:2K-57) is amended to read
33 as follows:

34 4. The commissioner, in accordance with recommendations
35 adopted by the council, and within the limits of those monies in the
36 fund, shall annually reimburse any private agency, organization or
37 entity which is certified by the commissioner to provide training and
38 testing for volunteer ambulance, first aid and rescue squad personnel
39 who are seeking emergency medical technician-ambulance, or EMT-
40 A, or emergency medical technician-defibrillation, or EMT-D,
41 certification or recertification, or an entity which provides an
42 educational program in the administration of epinephrine auto-
43 injector devices or epinephrine nasal sprays that is approved by the
44 commissioner pursuant to P.L.2003, c.1 (C.26:2K-47.1 et al.), and
45 for which that entity is not otherwise reimbursed.

46 The priority for reimbursement from the fund to an agency,
47 organization or entity for training and testing of volunteer
48 ambulance, first aid and rescue squad personnel shall be in the

1 following order: EMT-A certification, EMT-A recertification, EMT-
2 D certification, EMT-D recertification and certification to administer
3 epinephrine auto-injector devices and epinephrine nasal sprays
4 pursuant to P.L.2003, c.1 (C.26:2K-47.1 et al.).
5 (cf: P.L.2003, c.1, s.9)
6

7 17. Section 3 of P.L.2015, c.231 (C.26:12-19) is amended to read
8 as follows:

9 3. As used in this act:

10 "Commissioner" means the Commissioner of Health.

11 "Member of the youth camp community" means a person who is a
12 camper at, or a staff member of, a youth camp.

13 "Professionally qualified health care provider" means a licensed
14 health care professional whose authorized scope of practice includes
15 the administration of medication, whether independently, or through
16 a joint protocol or standing order from a physician.

17 "Trained designee" means a youth camp staff member who has
18 been trained by the youth camp health director or, if the youth camp
19 health director is not professionally qualified to administer
20 epinephrine, by a professionally qualified health care provider, in the
21 detection of anaphylaxis and the emergency administration of
22 epinephrine using a pre-filled auto-injector mechanism, nasal spray,
23 or both.

24 "Youth camp" means the same as that term is defined by section 3
25 of P.L.1973, c.375 (C.26:12-3).

26 "Youth camp health director" means and includes a person, 18
27 years of age or older, who meets the qualifications required by
28 N.J.A.C.8:25-5.2 and who is responsible for the proper medical
29 recordkeeping, care, and treatment of campers at a youth camp.
30 Youth camps that do not have a health director who is a medical
31 professional may use one of the following options: a youth camp
32 health director trained in the emergency administration of
33 epinephrine via **【a】** pre-filled auto-injector **【mechanism】**
34 mechanisms, nasal sprays, or both, by the professionally qualified
35 health care provider responsible for writing the prescription with
36 documentation; an emergency medical technician certified in the
37 emergency administration of epinephrine using auto-injector
38 **【administration】** devices and nasal sprays; or an individual trained
39 in the detection of anaphylaxis and the emergency administration of
40 epinephrine using **【a】** pre-filled auto-injector **【device】** devices,
41 nasal sprays, or both.

42 "Youth camp operator" means the same as that term is defined by
43 section 3 of P.L.1973, c.375 (C.26:12-3).

44 (cf: P.L.2015, c.231, s.3)
45

46 18. Section 4 of P.L.2015, c.231 (C.26:12-20) is amended to read
47 as follows:

1 4. a. A youth camp operator, as part of a youth camp medical
2 program, and in accordance with the provisions of the "New Jersey
3 Youth Camp Safety Act," P.L.1973, c.375 (C.26:12-1 et seq.) and
4 rules and regulations adopted by the Department of Health pursuant
5 thereto, may develop a policy for the emergency administration of
6 epinephrine via **[a]** pre-filled auto-injector **[mechanism]**
7 mechanisms, nasal sprays, or both, to a member of the youth camp
8 community for anaphylaxis when a professionally qualified health
9 care provider is not immediately available. The policy shall:

10 (1) permit the youth camp health director and trained designees
11 to administer epinephrine via a pre-filled auto-injector mechanism or
12 nasal spray to a member of the youth camp community for whom the
13 youth camp health director or trained designee is responsible, when
14 the youth camp health director or trained designee believes, in good
15 faith, that the member of the youth camp community is having an
16 anaphylactic reaction; **[and]**

17 (2) permit the youth camp health director and trained designees,
18 when responsible for the safety of one or more members of the youth
19 camp community, to carry, in a secure but easily accessible location,
20 a supply of pre-filled epinephrine auto-injectors, epinephrine nasal
21 sprays, or both, that is prescribed under a standing protocol from a
22 licensed physician or other authorized prescriber; and

23 (3) if the youth camp health director is not a medical professional,
24 only permit the administration of epinephrine using pre-filled
25 epinephrine auto-injector mechanisms if the youth camp health
26 director has completed the training required for pre-filled
27 epinephrine auto-injector mechanisms, and only permit the
28 administration of epinephrine using nasal sprays if the youth camp
29 health director has completed the training required for epinephrine
30 nasal sprays. Nothing in this section shall be construed to prohibit a
31 youth camp health director who is not a medical professional from
32 completing training on the use of both pre-filled epinephrine auto-
33 injector mechanisms and epinephrine nasal sprays.

34 b. If a youth camp develops a policy for the emergency
35 administration of epinephrine via a pre-filled auto-injector
36 mechanism or nasal spray, the youth camp operator, in cooperation
37 with the youth camp health director, shall:

38 (1) maintain and adhere to a standardized training protocol for the
39 emergency administration of epinephrine by trained designees under
40 the youth camp medical program, which training protocol shall be
41 established and administered by a professionally qualified health care
42 provider;

43 (2) ensure that trained designees have satisfactorily completed
44 the training protocol;

45 (3) obtain and maintain a supply of pre-filled epinephrine auto-
46 injectors, nasal sprays, or both, as applicable, pursuant to a standing
47 protocol from a licensed physician or other authorized prescriber, for

1 use by the youth camp health director and trained designees in
2 emergency anaphylaxis situations; and

3 (4) establish protocols and one or more secure locations for the
4 safe and accessible storage of the youth camp's supply of pre-filled
5 epinephrine auto-injectors and epinephrine nasal sprays.

6 (cf: P.L.2015, c.231, s.4)

7

8 19. Section 6 of P.L.2015, c.231 (C.26:12-22) is amended to read
9 as follows:

10 6. Nothing in this act shall be construed to:

11 a. permit a trained designee to perform the duties or fill the
12 position of a licensed medical professional;

13 b. prohibit the administration of a pre-filled epinephrine auto-
14 injector mechanism or epinephrine nasal spray by a person acting
15 pursuant to a lawful prescription or pursuant to the provisions of
16 P.L.2015, c.215 (C.24:6L-1 et seq.);

17 c. prevent a licensed and qualified member of a health care
18 profession from administering a pre-filled epinephrine auto-injector
19 mechanism or epinephrine nasal spray if the duties are consistent
20 with the accepted standards of practice applicable to the member's
21 profession;

22 d. violate the "Athletic Training Licensure Act," P.L.1984, c.203
23 (C.45:9-37.35 et seq.) in the event that a licensed athletic trainer
24 administers epinephrine to a member of the youth camp community
25 as a trained designee pursuant to this act; or

26 e. require written authorization from a camper's parent or
27 guardian, or from any youth camp staff member, prior to the
28 emergency administration of epinephrine when:

29 (1) there is no identified medical diagnosis involving risk of
30 anaphylaxis on record with the youth camp health director; or

31 (2) there is a medical diagnosis involving risk of anaphylaxis
32 recorded with the youth camp health director, but the pre-filled
33 epinephrine auto-injector or epinephrine nasal spray was not
34 provided to the youth camp by the camper or by the camper's parent
35 or authorized guardian.

36 (cf: P.L.2015, c.231, s.6)

37

38 20. This act shall take effect immediately.

39

40

41

STATEMENT

42

43 This bill revises current laws concerning access to, and
44 administration of, epinephrine auto-injector devices, to make those
45 laws applicable to epinephrine nasal sprays as well. Epinephrine is
46 a drug that is frequently used to treat anaphylaxis, which is a severe
47 allergic reaction typically caused by exposure to certain foods or
48 insect bites.

1 Specifically, current law provides that:

- 2 • Boards of education and nonpublic school administrators are
3 required to develop policies concerning the emergency
4 administration of epinephrine to a student for anaphylaxis via
5 a pre-filled auto-injector mechanism;
- 6 • Public and independent institutions of higher education in
7 New Jersey are permitted to develop a policy for the
8 emergency administration of epinephrine for anaphylaxis via
9 a pre-filled auto-injector mechanism;
- 10 • Any person who completes an educational program approved
11 by the Commissioner of Health may obtain, administer, and
12 dispose of an epinephrine auto-injector device;
- 13 • Emergency medical technicians who complete a training
14 course and register with the Department of Health may carry
15 epinephrine auto-injector devices on emergency medical
16 services vehicles and administer the devices to treat patients;
17 and
- 18 • Youth camps that meet certain requirements may obtain,
19 maintain a supply of, and administer epinephrine auto-
20 injector devices.

21 These laws generally provide civil immunity for anyone who
22 obtains or administers an epinephrine auto-injector device consistent
23 with all statutory requirements.

24 This bill will apply these same provisions of law to epinephrine
25 nasal sprays, which are an alternate means of administering
26 epinephrine. Although no epinephrine nasal spray products have
27 received final approval by the U.S. Food and Drug Administration,
28 at least two products have been granted fast track status by the
29 agency. It is the sponsor's intent to align State laws concerning
30 epinephrine with the anticipated approval of epinephrine nasal spray
31 products.